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8 **UNITED STATES DISTRICT COURT**  
9 **EASTERN DISTRICT OF CALIFORNIA**  
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11 UNITED STATES OF AMERICA, ) Case No.: 1:20-cr-00106 JLT SKO  
12 )  
13 Plaintiff, ) ORDER DENYING DEFENDANT’S MOTION  
14 ) FOR COMPASSIONATE RELEASE PURSUANT  
15 v. ) TO 18 U.S.C. § 3582(c)(2)  
16 CARSON SHANE WILHITE, )  
17 )  
18 Defendant. ) (Doc. 111)  
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22 )

23 Carson Shane Wilhite is a federal prisoner moving for compassionate release under 18 U.S.C.  
24 § 3582(c)(2) and the “status points” provision of the retroactive amendments to the U.S. Sentencing  
25 Guidelines (“Amendment 821”). (Doc. 111.) The Government opposes the motion, contending that  
26 Defendant is ineligible for a reduction because he “was not assigned status points in the first instance.”  
27 (Doc. 114 at 1.) Defendant did not file a reply. For the reasons set forth below, Defendant’s motion is  
28 **DENIED.**

23 On September 30, 2022, pursuant to a written plea agreement, Defendant pled guilty to  
24 Possession of a Firearm in Furtherance of Drug Trafficking Crimes, in violation of 18 U.S.C.  
25 § 924(c)(1)(a) (“Count One”); and Conspiracy to Manufacture, Distribute, and Possess with Intent to  
26 Distribute Marijuana, in violation of 21 U.S.C. §§ 846, 841(a)(1) (“Count Two”). (Docs. 84, 85.) Prior  
27 to Defendant entering his guilty plea, a “Presentence Investigation Report” (“PSR”) was prepared by  
28 the probation officer. (Doc. 93.) The PSR indicated a total offense level of 21. (*See* PSR ¶ 41.)

1 Defendant was assessed 2 criminal history points based on prior convictions, which placed him in  
2 criminal history category II, according to the sentencing table at U.S.S.G. Chapter 5, Part A. (PSR ¶¶  
3 48-50.) Defendant was not assigned status points under the prior § 4A1.1(d). Based on Defendant's  
4 offense level and criminal history category, the advisory sentencing guideline range called for a term  
5 of imprisonment of 41 to 51 months as to Count Two. (PSR ¶ 94.) Defendant was subject to a 5-year  
6 statutory mandatory minimum term of imprisonment on Count One, which must run consecutively to  
7 all other counts. (*Id.*)

8 The Court held a sentencing hearing on January 13, 2023. (Doc. 108.) The Court adopted the  
9 findings in the PSR but applied a 2-level reduction in Defendant's offense level after determining that  
10 Defendant was a minor participant in the offense. (Statement of Reasons ("SOR") at 1.) This reduced  
11 Defendant's offense level to 19, did not change his criminal history score or category, and modified  
12 the advisory sentencing guideline range to a term of 33-41 months. (*Id.*) The Court also varied  
13 downward under the sentencing factors set forth at 18 U.S.C. § 3553(a)(1) in imposing a sentence on  
14 Count Two. (SOR at 3.) Defendant was sentenced to 60 months in custody on Count One and 30  
15 months in custody on Count Two, to be served consecutively for a total term of 90 months. (Doc. 107;  
16 Doc. 108 at 2.)

17 Defendant now asks the Court to reduce his sentence under Part A of Amendment 821 to the  
18 U.S. Sentencing Guidelines, which reduces the number of "status points" assigned to certain  
19 defendants who committed their offense while under a criminal justice sentence, thereby lowering the  
20 impact on the defendant's criminal history. *See* U.S.S.G. § 4A1.1. However, Defendant was not  
21 assigned any status points; his criminal history score consisted of criminal history points assigned  
22 based on Defendant's prior convictions. (*See* PSR ¶¶ 48-49.) Thus, he does not qualify for a status  
23 point adjustment under § 4A1.1. Accordingly, because Amendment 821 does not impact Defendant's  
24 sentencing guideline range, he is ineligible for a sentence reduction under 18 U.S.C. § 3582(c)(2). The  
25 Court does not consider the sentencing factors enumerated in 18 U.S.C. § 3553(a). *Dillon v. United*  
26 *States*, 560 U.S. 817, 827 (2010).

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1 Based upon the foregoing, Defendant's motion for compassionate release pursuant to 18  
2 U.S.C. § 3582(c)(2), (Doc. 111), is **DENIED**.

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4 IT IS SO ORDERED.

5 Dated: **February 11, 2025**

  
UNITED STATES DISTRICT JUDGE